

Suspects identified in Moulder arson

UPD won't release names of 'several' students sought

By Amanda Heien and Bryan Gold
Daily staff writers

Arsonists are to blame for the fire and University Police Department officials said late Sunday they had identified suspects in the case.

"We believe we know who moved the couch," said UPD spokesman Richard Staley. The fire apparently started on a couch that was moved down the hall in front of room 315.

"If the couch was in front of the room, presumably the occupants of the room were the intended victims of the assault," Staley said. "...that is the obvious presumption."

Moulder residents said Willie Conner and Marshall Lise lived in room 315 but neither Staley or officials at University Housing Services would confirm it.

Staley did say that the suspects were students but would not comment further.

One resident jumped and several hung from windows while a majority of residents screamed and cried for help early Friday as fire and smoke blazed through the third floor east wing of Moulder Hall.

"I was so freaked and crying and nauseous and anxious, I just wanted to get out," said third floor resident Anita Rich, a sophomore biology major, who pulled a fire alarm just before 6 a.m. after running down stairs.

Twenty-one students were injured because of the fire and six students remained hospitalized as of Sunday.

Two roommates, Brian Young, 19, from Honolulu and Thomas Byrd, 18, from San Francisco are both listed in critical condition and hooked up to respirators in the burn unit of Santa Clara Valley Medical Center, according to Lori Wetzel, nursing shift supervisor.

Abdul "Hakim" Moquim, 18, from Union City, jumped from his third floor dorm room fracturing his back and injuring his foot, according to Christi Welter, spokeswoman for San Jose Medical Center. Moquim is listed as stable and may be released in a week or so with a cast but "it's hard to say due to nature of injury," she said.

Officials said the blaze that was started on the couch travelled down the hall as it

spread to the finish of the wooden doors.

"That is where the fire took place. Someone used malice in their intent," Perkins said referring to the charred couch.

Perkins added that a flammable liquid was not used in the suspected arson attempt.

Abeyta said that the reasons he thought the fire was arson was "the point of origin and the way it traveled." He would not elaborate further.

"We are looking at everything at this point," Abeyta said. He added that he sees attempted murder as a "reasonable charge."

Perkins said that the fire did not spread very far. However, "the construction of the couch foam contributed to the spread of the fire. The foam is hydrocarbon," Perkins said. "The fire went through the upper level of the hall and spread horizontally down the hall."

The fire was contained to the odd numbered east wing of the third floor. Most of the injured residents came from this area.

The injured were sent to Valley Medical Center, San Jose Medical Center and Alexian Brothers Hospital.

Young is burned over 55 percent of his body and Byrd is burned on 33 percent of his body, Wetzel said.

Cuong Pham, 17, also from San Francisco was in critical condition after being admitted to Valley Medical Center Friday.

Pham "is a little bit better, instead of serious he's been down-graded to guarded," but is still hooked up to a respirator, Wetzel said Sunday. Pham is suffering from mainly inhalation burns, she said.

Ten students were admitted to San Jose Medical Center but only three remained after Friday morning.

Sylvain Mehaute, 22, of Quintin, France, and Valerie Audoit, 21, of Bazas, France, are in stable condition with second degree and serious burns to their face and hands, according to Welter.

Eight other students were admitted and released Friday at Alexian Brothers Hospital for smoke inhalation, according to Donna Mazzitelli, executive secretary of nursing administration for the hospital. No names were available.

Also among those treated for smoke
See FIRE, page 3



Jim Mohs — Special to the Daily

Jeniene Rodrigues is comforted by her boyfriend Chris Nava in Markham Hall after Friday's fire in neighboring Moulder

Hall. Rodrigues lives in the dormitory that burned, but was not injured in the blaze. At least twenty people were hurt.

Moulder Hall residents lacked fire preparedness training

By Angus Klein

Daily staff writer

Despite claims by SJSU officials that residence halls conduct periodic fire drills each semester, Moulder Hall has had no organized drills this semester, residents said.

"Students have regular fire drills in the residence halls, at least quarterly," said Dean Batt, dean of student services, at a press conference Friday.

"(Housing) historically does fire drills on a regular basis," said UPD chief, Rick Abeyta at Friday's conference.

The only drill conducted in Moulder this semester was a false alarm, residents said.

The nature of Friday's fire on the third-floor of Moulder was unusual because the "natural escape route, the hallway, was the origin of the fire," said California State Fire Marshall Tom de Bakker.

Fire escape routes in Moulder are through the hallway and down the outer stairwells.

"Fire drills wouldn't have helped a whole lot," de Bakker said, "In this case if you would have done that (entered the hallway) you would have entered into a inferno."

Friday's fire injured 21 people and left six

'Fire drills wouldn't have helped a whole lot. In this case if you would have done that (entered the hallway) you would have entered into a inferno.'

Tom de Bakker
California Fire Marshall

hospitalized as of Sunday. Bryan Young of Honolulu and Thomas Byrd of San Francisco, both 18, were in critical condition at Santa Clara Valley Medical Center with burns over half of their bodies.

All burn victims from the fire suffered their injuries while in the hallway, according to de Bakker.

Moulder third-floor resident Jeff Mulvihill, 18, said he feels that ordinary fire drill training would not have helped because half of the third floor had to be evacuated out the window.

Moulder was built in 1958 under State Building Code-Title 24 and fared remarkably well in the fire, officials said.

"Our inspection today (Friday) showed no major deficiencies in fire resistance," Sandy

Simpson, public information officer of the California State Fire Marshal.

Simpson said the State Building Code "does not require sprinkler installation and typically you'll see state-owned buildings meet the minimum fire code requirements."

SJSU buildings are also exempt from the San Jose City Council ordinance, passed on Jan. 23, that requires high rise buildings to have sprinklers.

"I wish the university, city and state would do more in this area," Batt said of the lack of sprinklers.

If SJSU was under city jurisdiction, the Business Tower, Joe West Hall and Duncan Hall would be subject to the ordinance because they are classified as high rise buildings, San Jose Fire Department officials have stated.



Dan Ocampo — Daily staff photographer

Shoes and blankets were visible reminders of the fire inside Moulder Hall on Friday, hours after it was extinguished.

He's gay, conservative and happy

Gay activist Liebman came out of closet

By Robert W. Scoble
Special to the Daily

Marvin Liebman told an audience that he no longer could keep silent about "coming out of the closet" in a talk Thursday night in the Student Union.

"I'm both gay and conservative," he said.

He is a friend of conservative columnist William F. Buckley and from 1953 to 1969, Liebman helped establish and raise money for numerous permanent and ad hoc conservative organizations, including the

American Conservative Union, Young Americans for Freedom, the Conservative Party of New York and the Committee of One Million (Against the Admission of Communist China to the United Nations), according to the gay news magazine, the Advocate.

"For my 67 years I lived in a stifling closet. I regret those years in silence." He said that he is much happier since his July announcement, which was made simultaneously in the conservative magazine National Review and the Advocate.

He was scared of revealing his secret to the world and said that before his announcement he would have never addressed a group of gays. "I'm a gay-

rights activist now."

He helped to found the modern conservative movement and helped pioneer direct-mail fundraising, the Advocate said. All this time he knew he was gay, Liebman said, but he couldn't tell anyone except his closest friends.

All the accomplishments, he said, don't matter if you aren't a happy and whole human being.

"What I did was nothing compared to me inside here (pointing to himself)." He told the mostly gay audience to "Come on out. The air is wonderful out here. No one really cares any way."

The SJSU Staff for Individual Rights
See LIEBMAN, page 8

Balگوoyen sentencing postponed

By Bryan Gold
Daily staff writer

The sentencing for associate biology professor Thomas Balگوoyen, scheduled on Friday, was postponed until Nov. 13, according to Leland Altschuler, the assistant U.S. attorney that is handling the case.

This is the second postponement of Balگوoyen's case. He was originally

See COURT, page 8

In the SPARTAN DAILY

■ The fire was the fifth since 1984. One caused a death.
Page 3

■ Sheldon Canley rushed for 133 yards, helping the Spartans beat the Utah State Aggies 34-27.
Page 7

■ 'Mr. Destiny,' a new release starring James Belushi and Michael Caine, is a flat tale about a man altering his fate.
Page 5

EDITORIAL

We need more than a quick fix

As a fire raged through the third floor of Moulder Hall several students woke slowly to the sound of a "little high-pitched beep."

Fire officials say arson started the fire that injured 21, left six residents hospitalized and forced 178 people into other residence halls. No amount of preparation could have readied the residence hall against an arsonist.

The fire marshal said that a fire drill, which Moulder Hall had not had this semester, wouldn't have prepared the residents. The fire in the hallway was blocking the escape route to the stairways.

But we believe that Moulder Hall could have been more fire safe than it was.

The first line of defense in against fire were the smoke alarms — and they failed.

Some residents didn't know it was a smoke alarm going off. One resident heard a "little, high-pitched beep."

The alarm that had been installed in Moulder Hall may have been enough to get people out of the building during the day, but a "little high-pitched beep" obviously was not enough to do the job during early morning. Something louder to alert sleeping students of a fire was needed.

There are other things that could make a difference in making the residence halls a safer place to live. There have been no fire drills this semester, except for one false alarm. There should be sprinklers installed in all university buildings, so that any fire can be quickly contained.

The university will probably give the situation a quick fix, like a it did after the earthquake. There may be a fire preparedness week, perhaps even a month of fire safety. There may be a series of pamphlets, slide shows explaining what to do in the event of fire.

But the students who live in the residence halls and who frequent the other buildings on campus need something more than a quick fix.

They need a fire alarm system capable of immediately waking them from a deep sleep. And a sprinkler system capable of at least extinguishing fire along the escape path.

It is true that these things cost money — something that SJSU doesn't have a lot of. But we think safety is important enough that it would be worthwhile for the university to sacrifice for it.

We also think that the three students in the burn unit at Santa Clara Valley Medical Center would agree.



THE POST-STALIN ERA



THE POST-REAGAN ERA

EDITOR'S FORUM

HARRY MOK

Questions from room 315's former occupant

The news was shocking: Friday morning's residence hall fire apparently originated outside the door of Moulder Hall room 315 — the same room that I lived in last school year.

It sent a chill up my spine when I heard about it.

As more news reports transpired throughout the day, some of the names that came in were familiar. I felt in my heart for them and the others that I didn't know.

What about Pete? Does he still live there? How about Anita, is she OK?

All these questions ran through my mind. I think back to last year's earthquake and how I ran out of the dining commons. I often wondered after that what I would do if there was an emergency while I was in my room.

Would I have ran down the hall to face the flames like many did Friday? Or would I have jumped out my window as one resident did?

I also think back to when they posted fire escape routes on all the wings. The signs directed us to exit via the outer stairs — so simplistic that we all laughed.

As it turns out, so dangerous as well. All the the people that were burned ran out into the hallway. I wonder what would've happened if they had stayed in their rooms.

I wonder why SJSU officials said in a news conference that fire drills were done on a regular basis in the residence halls. During my time in Moulder I never personally took part in a fire drill and don't know that any were ever scheduled.

Reports are that there had not been a fire drill in Moulder this semester and I wondered

During my time in Moulder I never personally took part in a fire drill ...

if it would have made a difference.

I think about the residence halls not having a sprinkler system because state building code does not require them. I wonder if it they would have made a difference.

I wonder when SJSU officials say they would have liked to have had a sprinkler system. But money problems and possible demolition of Moulder and some of the other "bricks" are given as reasons that there aren't sprinklers.

I wonder what Abdul "Hakim" Moquim thinks about the reasons. Moquim was the one that jumped from a third story window and suffered a fractured back. I wonder what Bryan Young and Thomas Byrd think about the reasons for not having sprinklers. Young and Byrd are hospitalized in critical condition with severe burns.

After Friday, I'm just wondering because it could have been me.

SJSU Dean of Student Services Dean Batt "wishes that the university, city and state" would do more in the area of sprinklers.

So do I.

Harry Mok is the City Editor of the Spartan Daily.

LETTERS TO THE EDITOR

Using the fire to bring SJSU together

Editor,
As Associated Students President, I am indeed impressed with the spirit of unity on campus this semester.

It has been brought to my attention by the university officials and community leaders that San Jose State is a campus on the move towards heights yet to be reached. The comments of such officials have surfaced not merely because of the academic or physical well-being of the campus, rather it is because the effervescent power of San Jose State lies with its students, its faculty and its administration.

With the spirit of togetherness in mind, I write to you today about a crisis that has occurred at home and the will of a community, namely San Jose State University, to overcome. In particular, the fire in Moulder Hall on October 19, 1990.

It is during trying times, such as last year's earthquake and this year's fire, which makes the best in us surface.

Likewise, it is during times like these that we as a community come to understand that by working together, we can surmount such obstacles.

Therefore, the Associated Students of San Jose State University, in the spirit of togetherness, stand with our fellow students and their families during this time of crisis. In addition, be it known that the Associated Students of San Jose State University pledge our support to the students of Moulder Hall to aid and assist them through any means necessary.

Arneze Washington
President, Associated Students
Communications studies
Senior

A challenge in defense of S.J. hockey

Editor,
Raul Dominguez' editorial cartoon in the Oct. 15 edition was in very bad taste, in my opinion.

The San Jose Sharks are not even here yet and already we have some idiot pronouncing them "dead." Why not give the team the chance to prove themselves before you kill them off?

Being a hockey player and fan, this cartoon is also a slap in the face to me and my fellow hockey nuts. The 2 1/2 years I've been at SJSU, I don't think I've seen any reference to ice hockey in the Spartan Daily twice. Now all of a sudden we have an expert on hockey. He also draws pictures for amusement.

I would like to issue a challenge to Raul "Mr Hockey" Dominguez. I am a goaltender (that is the man in the middle of the goal with the "Jason" mask) and I challenge you to try and

put two shots out of ten past me.

If I win I want you to draw a real cartoon that retracts what you drew. If you win I'll paint "Raul Dominguez is Mr. Hockey" on my chest and walk around campus for

two days.

How about it?

Paul Legerski
Administration of Justice
Junior

Spartan Daily letters policy

Any letter or column for the Forum page must be turned in to the Letters to the Editor box in the Spartan Daily newsroom, WLN 104, during office hours. Submissions may also be mailed to Forum Editor, The Spartan Daily, Department of Journalism, San Jose State University, San Jose, CA., 95192. Articles and letters must contain the author's name, phone number, address, and

major (if a student).

Contributions must be typed or submitted on 3.5" Macintosh-compatible disc.

Submissions become property of the Spartan Daily and may be edited for grammar, libel, spelling and length.

Letters not typed or missing the author's name and phone number will not be published.

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Second class postage paid at San Jose, California. Member of the California Newspaper Publishers Association and The Associated Press. Published daily, at San Jose State University, during the college year. The opinions expressed in the paper are not necessarily those of the Department of Journalism and Mass Communications, the University or any other students or faculty organization. Mail subscriptions accepted on a remainder of semester basis. Full academic year, \$20. Each semester, \$10. Off-campus price per copy, 15 cents. On campus delivery paid through Instructionally-Related Activities funds at 50 cents per full-time student. Phone: Editorial (408) 924-3280. Advertising (408) 924-3270. Printed by Independent Publications. Postmaster: Please send all address corrections to Spartan Daily, San Jose State University, One Washington Square, San Jose, California 95192.

FIRE

From page 1

inhalation were Rich and her roommate Stacie Vournas of room 307.

Vournas, a senior majoring in social work, called 911.

"The dispatcher was calm and relaxed," Vournas said. "I must have been the first to call."

"My roommate heard a little high pitched beep," Vournas said, adding that she and Rich also heard "horrible cracking and running. The damn fire was coming so fast. It was so hot."

Vournas said that the smoke alarm inside the room was "not loud enough to wake up others."

Rich, who pulled an alarm in the hallway, said, "I heard a high pitched buzzing sound. I didn't know what it was. I thought it was my ears. I couldn't figure it out."

The roommates opened the door to the smoke-filled hallway to flames and ran downstairs.

"I didn't even think, I don't know why, about knocking on doors on my way out," Rich said. "I feel so insensitive."

Rich said that she was having trouble breathing while she was receiving oxygen due to smoke inhalation.

Deputy State Fire Marshal Tom de Bakker said that the last time Moulder Hall was inspected was 1986.

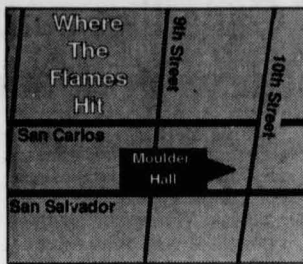
"It was probably inspected last year," de Bakker said. "But being from the state, paperwork gets lost."

The building is not required to have a yearly inspection, he added.

De Bakker said that the fire may have been contained earlier if the building had a built-in sprinkler system.

Moulder Hall was "built in 1958 to code. At that time, sprinklers weren't required," de Bakker said. Even if the building was built today sprinklers would not be required, he added.

State building code does not require sprinklers, according to Sandy Simpson, public information



Larry Salisbury — Spartan Daily

said. "They will also double and triple up in some rooms and some residents may go home or stay with friends."

A majority of the students went home to family or are staying with friends, according to Markham Hall Resident Director Lisa Root.

Root is concerned with the amount of Moulder students that will return for classes and will need a place to stay, she said on Sunday.

Both Allen and Markham Halls had completely vacant first floor wings, due to a shortage of residence in the halls this year, but are now filled with Moulder Hall residents, Root said.

Jean-Marie Scott, associate director for UHS said that other arrangements may be made if the matter is not cleared up.

"We are looking into long-term arrangements if they are not let back in after Tuesday," Scott said. "We will continue to work around the clock just like we did after the earthquake (last year)."

Batt said that the main focus is accounting for the residents.

"We set up a hotline and a parent lounge," Batt said, adding that counselors were sent to the hospitals to be with the students.

"My concern is with the physical and mental health of the residents," Batt said.

He said that a temporary loan of \$250 is available for students to help recover losses. In addition, Housing Services staff members will enter the building for students to retrieve essential items like contact lenses and medication.

Spartan Daily staff writers Leigh Ann Clifton, Angus Klein, and Harry Mok contributed to this story.

Other fires at SJSU

Friday's fire in Moulder Hall was the first on-campus blaze in five years where people were hurt. Here are other on-campus fires in the last 10 years:

■ **Aug. 26, 1984:** A three-alarm fire burned the Old Women's Gymnasium in the Spartan Complex on Seventh and San Carlos streets. The fire was caused by wire insulation rubbing against metal pipe under the roof. No one was injured. Estimated damage was about \$1 million.

■ **Oct. 5, 1984:** A storeroom in the Natural Science Building on Fourth Street caught fire when a technician dropped a bottle of ether. The fire was extinguished in minutes, but about 200 to 300 people were evacuated.

■ **March 3, 1985:** Alpha Tau Omega's house on South 11th and San Fernando streets caught on fire when a cigarette was left smoldering on a couch. One SJSU student died, two were hurt and 13 members of the fraternity were left homeless. The damage was reported to be about \$80,000.

■ **Nov. 11, 1985:** An accidental chemical spill burned a lab table on the fourth floor of Duncan Hall on San Salvador Street. No one was injured. The fire destroyed several ceiling tiles and smoke damaged walls and windows.

Edwin Acevedo — Spartan Daily

Still hospitalized as of Sunday are: Valerie Audiot, 22, Thomas Byrd, 18, Sylvain Mehaute, 22, Abdul Moquim, 18, and Brian Young, 18.

books, clothes, etc. Donations may be sent to University Housing Services, C/O Inter-residence Hall Association, One Washington Square, San Jose, Calif. 95192.

Checks may be payable to IRHA-Moulder Hall Relief Fund. For more information, call (408) 924-6188.

SpartaGuide

TODAY

ANTHROPOLOGY CLUB: Meeting, 5 p.m., Duncan Hall Room 208, call 924-5712.

ENVIRONMENTAL RESOURCE CENTER: Forum on Measure A (open space), Proposition 128 (Big Green) and Proposition 130 (Forest Forever), noon, Student Union Amphitheatre, call 924-5467.

HISPANIC BUSINESS ASSOCIATION: General meeting, new members welcome, 3 p.m., Chicano Resource Center, Wahliquist Library North Room 307, call 924-2707.

LAMBDA SIGMA GAMMA: General meeting, 6 p.m., Business Classroom Room 207, call 298-2549.

ART DEPARTMENT GALLERY OFFICE: Student art shows and opening receptions, 9 a.m.-4 p.m., Art Department, call 924-4330.

A.S. LEISURE SERVICES: SpartAerobics offering "A-Robics" at a special daily drop-in rate of \$2.50 for students, Event Center Aerobics Room, call 924-5960; Last day to sign up for Introduction to Mountain Biking #210, 9 a.m.-4:30 p.m., A.S. Business Office in S.U., call 924-5961.

SPARTAN TRACK CLUB: Club workouts,

5:30 p.m., South Campus track, call 971-8764.

ICE HOCKEY AT SJSU: Skate-meeting, on the ice at 9:45 p.m., Eastridge Ice Arena, call 246-6939.

TUESDAY

DEPARTMENT OF ECONOMICS: Dr. Paul G. Farnham, health economist from the Centers for Disease Control in Atlanta, is visiting SJSU, 3 p.m., Dudley Moorhead Hall Room 150, call 924-5402.

CAREER PLANNING AND PLACEMENT: Videotaped practice interviews, participate in mock interviews and receive individualized feedback, noon-1:30 p.m., Instructional Resource Center Room 310, call 924-6030; Co-op orientation, a professional work-experience program, 2 p.m., S.U. Almaden Room, call 924-6030.

ART DEPARTMENT: Lecture series featuring Hitoshi Ushijima, who will deliver a lecture-performance, 5-6 p.m., Art Building Gallery One, call 924-4330; Student art shows and opening receptions, 9 a.m.-4

p.m. and 6-8 p.m., Art Building and Herbert Sanders Gallery in Industrial Studies Building, call 924-4330.

SPARTAN TRACK CLUB: Club workouts, 3 p.m., South Campus track, call 971-8764.

SJSU RUGBY CLUB: Orientation meeting for new players, 7 p.m., Instructional Resource Center director's office.

RE-ENTRY PROGRAM: Re-entry support group, noon-1:30 p.m., Administration Building Room 201, call 924-5930.

APICS: American Production Inventory Control Society, first general meeting, noon, Business Classroom Building Room 1.

IOC: Interorganization Council meeting, 3 p.m., A.S. Council Chambers in S.U.

WOMEN'S RESOURCE CENTER: Tuesday Speaker Series — "Juggling Commitments: How To Maximize Your College Experience," 4-6 p.m., S.U. Montalvo Room.

CAMPUS CRUSADE FOR CHRIST: Prime Time, 7:05 p.m., Engineering Building Auditorium Room 189.

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Fullerton visits injured; information hotline set

SJSU President Gail Fullerton visited the six students that were hospitalized by the Moulder Hall fire.

Also with Fullerton on Sunday were: California State University Chancellor Ellis McCune, CSU Board of Trustees Chairman William Campbell and SJSU Dean

of Student Services Dean Batt. A hotline for parents and students has been set up by the university for information about the Moulder Hall fire. The number is (408) 924-6176.

A relief fund has also been set up to help Moulder Hall residents pay for belongings lost in the fire like

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UC Berkeley returns rare musical works

BERKELEY (AP) — In a ceremony featuring a song of prayer by Franz Schubert, the University of California returned rare copies of works by Schubert and Wolfgang Amadeus Mozart that apparently were stolen from an Austrian monastery at the end of World War II.

"We are sad to see them go," said John Roberts, Berkeley's chief music librarian. "Until now no one here had been aware of the questionable circumstances surrounding our acquisition. It's a loss to the library, but we felt it was the right thing to do."

The 18 manuscripts returned Thursday include religious works by Mozart and Michael Haydn transcribed by monks in the 18th

century and songs by Schubert transcribed in the 19th century. Haydn, a popular composer of his era, is the brother of the great composer Franz Joseph Haydn.

The transcripts were stolen around the time the U.S. Army occupied the 800-year-old Benedictine Kremsmuenster Monastery near Vienna in 1945.

Throughout his life, Schubert frequently visited the monastery, befriending Johann Michael Vogl, a student there who became an important singer of the composer's songs, Roberts said.

The university bought the manuscripts in 1976 from a guard at San Quentin Prison whose brother-in-law apparently had obtained them

while a GI in Austria. The price was \$1,400.

The religious music includes Mozart's collection of pieces for Dominican vespers — an evening mass — and liturgical works by lesser-known composers, Roberts said.

An Austrian music expert this year noticed there were several references to the missing works in a catalogue published by UC-Berkeley in 1988.

"They inquired and we investigated," Roberts said. "It became clear to us that they had been unlawfully removed during the war and it seemed appropriate that they be returned."

The manuscripts were given to a

representative of the Austrian government.

The manuscripts represent "important but not priceless" parts of the Berkeley music library, Roberts said. They include 13 copies of Austrian church music and five of Schubert songs, many of which are unpublished.

UC-Berkeley has one of the foremost collections of music in the world.

In a telephone interview with the San Francisco Examiner, the monastery's music librarian, Father Alfons Mandorfer, declined to blame Americans, noting Germans had occupied the building during the war.

Canadian earthquake rocks New York and Vermont

OTTAWA (AP) — A moderate earthquake rattled homes and frightened residents in eastern Canada and northern New York and Vermont before dawn Friday, but there were no initial reports of damage or injuries.

The quake struck the Canadian cities of Ottawa and Montreal, and was felt in the New York cities of Syracuse, Albany, Rochester and Buffalo, as well as Montpelier and Bur-

lington in Vermont, U.S. and Canadian officials said.

The quake, which struck just after 3 a.m. (same time EDT), measured 5.2 on the Richter scale, said Maurice Lamontagne, a seismologist with the Geophysics Division of Energy Mines and Resources in Ottawa.

However, the U.S. Geological Survey in Golden, Colo., said the quake measured 4.7 on the Richter scale.

Reporter denies role in raid; alleges harassment

SACRAMENTO (AP) — A journalist accused of raiding an Oregon university animal laboratory in 1986 says the charges against him are part of widespread government harassment of animal rights activists.

Crescenzo Vellucci was arrested Oct. 12 at his Sacramento home and released on bail this week.

He told a news conference Thursday that federal authorities and others who are investigating the break-in and dozens of similar raids across the nation by the shadowy Animal Liberation Front are waging a campaign of harassment like that directed against the civil rights and peace movements in the 1960s.

"The bottom line as I see it is political harassment," Vellucci said.

Vellucci, whose Independent Wire Service covers the state Capitol for a dozen small newspapers, became an informal spokesman for the underground ALF group several years ago after deciding to

'The bottom line as I see it is political harassment.'

— Crescenzo Vellucci, journalist

openly sympathize with the animal rights movement.

Before his arrest, Vellucci said the worst harassment he had suffered was death threats and a burglary of his own home.

Vellucci said he is not a member of the secretive organization and has not taken part in any of its raids to free animals from experiment

labs, even though he condones the activity as necessary.

The timing of the arrest, he said, is probably aimed at thwarting his efforts to form a legal defense fund for activists who are prevented from protesting or are charged with crimes.

Assistant U.S. Attorney John

Panneton told reporters recently he is confident that the FBI and Oregon authorities built a solid case against Vellucci, and dismissed Vellucci's claim that the arrest was harassment.

Vellucci was arrested on a fugitive warrant issued by the Lane County, Oregon, Circuit Court in connection with the break-in at the animal research lab on the University of Oregon campus in Eugene. He said he is puzzled how he could be a fugitive because Oregon authorities never communicated with him.

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'Mr. Destiny' retells often-said moral

Belushi, Caine can't save movie, find 'grass isn't greener' on their side

By Shellie Terry
Daily staff writer

"Mr. Destiny" is a film which considers taking control of one man's fate by altering his destination in life, and answering the proverbial question: Is the grass greener?

Don't be silly. In the movies it never is.

Still, this film beats viewers over the head with the moral of this often-told story.

James Belushi stars in this jovial film as Larry Burrows who thinks



James Belushi, left, as Larry Burrows, co-stars with Michael Caine in "Mr. Destiny." Caine, Mr. Destiny, changes Burrows' life with a mixed drink called "spilt milk."

Movie Review

his life, at age 35, should be significantly better. If only he had been the hero, instead of the heel, in a high school baseball game.

Mysteriously, the magical character of "Mr. Destiny" (Michael Caine) appears to turn Burrows' life around by stirring up a mixed drink called "spilt milk."

After drinking the potion, Burrows becomes the man he always wanted to be, getting everything his heart desires. He's living large in a house with 15 bathrooms and many fancy cars. His new wife is beautiful and knows all the crafty uses for whip cream. He even eats croissants with cappuccino for breakfast.

But he misses his old, cute wife Ellen (Linda Hamilton), and his dorky best friend Clip (Jon Lovitz).

Caine appears only a few times in the film, and it's never really clear what he's supposed to be. He provides the magic for Burrows' life transformation, but he's not an angel and he never says what he is.

This is a great injustice to Caine. He's a far better actor than Belushi could ever aspire to be, but plays a bit part in this silly movie.

Caine also looks old and tired, nothing like the suave and debonair man he's played in other roles. Versatility makes for a well rounded actor, but not if he performs below his abilities.

"Mr. Destiny" is a cute little movie, verging on stupid. Burrows narrates for the audience so they don't have to use thier brains to figure out what's going on. Definitely a "wait for the home video" selection.

Mr. Destiny



Rating: PG-13

Starring: James Belushi, Michael Caine.

Director: James Orr.

Screenwriter: James Orr and Jim Cruickshank.

'Spartanhead' scale is best of 5

Springsteen joining others for benefit

LOS ANGELES (AP) — Bruce Springsteen will join Bonnie Raitt and Jackson Browne in an acoustic concert next month to benefit the Christic Institute.

It will be Springsteen's first formal concert appearance since 1988, when he participated in the Amnesty International world tour.

Tickets ranging from \$25 to \$100 go on sale through major ticket outlets Sunday for the Nov. 16 concert at the Shrine Auditorium.

The fund-raiser benefits the Washinton-based Christic Institute, a nonprofit interfaith group set up to monitor law and public policy.

The Rev. William Davis said the concert will help finance the institute's 1986 La Penca lawsuit, which alleges U.S. officials sanctioned illegal gun and drug sales to finance covert operations during the Iran-Contra affair.

"The thing that really excites me about Bruce, Bonnie and Jackson getting involved is that the concert will give more visibility to the battle against covert operations," Davis said Wednesday from his Los Angeles office.

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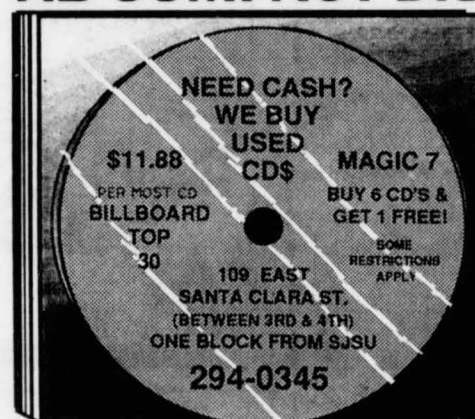
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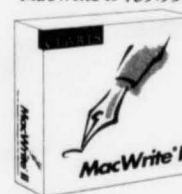
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SPORTS FORUM

Reds won Series
playing A's game

By RANDY ROBERTSON



AS the Oakland Athletics walked off the field Saturday, dynasty shattered, they may have been asking themselves questions.

How could a team that won 103 games in the regular season, then four straight in the playoffs against Boston, lose so convincingly to Cincinnati? How could the Cincinnati Reds' pitchers dominate the Athletics' hitters? What happened?

What happened was the Reds beat the A's by playing the A's own game. Great defense. Overpowering pitching. Production from the entire batting order. It is that simple.

All season long the A's were a model of consistency. Throughout the year, Oakland had its sights set on repeating as World Champions. 'Stay focused' signs were seen at the Coliseum all season long as the A's marched methodically toward the inevitable American League pennant.

When one player was injured, somebody stepped in and performed capably. Out goes Rickey Henderson, in comes Doug Jennings for a week. Jose Canseco goes, Willie McGee steps in. There was Mike Gallego for Walt Weiss, etc.

Everything looked great until the trip to Cincinnati. Suddenly, the A's looked like the team with a .500 record all summer and the Reds looked like 100-game winners. In five days, Cincinnati went from underdogs to top dogs. And the A's ended up in the doghouse. All because Cincinnati did the things Oakland had done all year.

JOSE Rijo was the most visible Reds leader. The young right-hander came back to beat his old mates soundly.

Rijo looked like the master of the postseason, a claim once held by . . . Dave Stewart. However, Stewart folded like a cheap lawn chair. This year it was Rijo who took the honors. He was named Most Valuable Player for the World Series.

Lou Piniella pulled all the right strings, while second-guessing Tony La Russa became as habitual as walking the dog and taking out the trash each night.

If it weren't for the television close-ups of the players, you could have sworn that the players switched uniforms. The Reds made the fundamental plays that the A's made all season. Despite Oakland's sterling season, it's the World Champions who achieve lasting fame.

Unfortunately for the A's, it was the Reds who came to play when it mattered, so to Cincinnati go all the accolades. And to the A's go a winter of questioning themselves.

Martini's confidence building weekly

By Bill Williamson
Daily staff writer

Although he didn't extend his streak of throwing for 300 yards in a game, Ralph Martini did continue his week-by-week improvement.

The SJSU quarterback, who had to battle with two other signal-callers in training camp, has proven in each game that he is the leader of the Spartan offense.

Martini once again demonstrated his command of the ball when the Spartans took another step toward their mission of reaching the California Bowl, as they beat Big West Conference foe Utah State 34-27 at Spartan Stadium on Saturday night.

Martini's three-game streak of 300 passing yards ended, but he did contribute to the cause with a 16-30 performance, 203 yards passing and two touchdowns.

More important for the Spartans, Martini's performance in the first quarter set the tempo for the victory. SJSU jumped out to a 17-0 lead after the first 15 minutes, which was the most points the team had scored in a quarter thus far this season.

During the point barrage, Martini threw for 109 yards and two

'I haven't had a lot of snaps that a senior quarterback should have, but now I'm starting to see my reads and seeing things a lot quicker.'

—Ralph Martini,
SJSU quarterback

touchdowns. Both touchdowns were on fourth-down attempts.

Martini's presence and delivery on the two fourth-down touchdowns are testimony to his ever-building confidence, Spartan coach Terry Shea said.

"He's really starting to understand the offense," Shea said. "He's also gaining confidence every game."

Martini, a transfer from Brigham Young University and a fifth-year senior, said he finds practice sessions more valuable than game time.

"Practice is really helping me improve," Martini said. "I haven't had a lot of snaps that a se-

nior quarterback should have, but now I'm starting to see my reads and seeing things a lot quicker . . . I just feel confident."

Martini's confidence is evident in his statistics. He entered Saturday night's game seventh in the country in total offense, averaging 259.3 yards per game and he is 23rd in the country in passing efficiency among Division I quarterbacks.

Martini's offensive mates realize they are working with a more-mature, confident quarterback than they were in the season opener against Louisville. And they are thrilled about Martini's prospects and his continuing week-by-week improvement.

"Ralph really opens up our offense more," SJSU running back

Sheldon Canley said. "It's his offense, and he's running it."

Martini's favorite target, Bobby Blackmon, who caught four passes against Utah State, echoed Canley's statements.

"Most definitely Ralph is becoming a greater quarterback every week," Blackmon said. "It's a natural growth for him."

The SJSU quarterback said his all-around play is enhanced by his improvement on the intangibles. This week's betterment came on the line.

"I think I had my best game ever on the audibles," Martini said. "We're all really doing a good job together. We're clicking now."

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Spartans hold on for 34-27 win

By Steve Helmer
Daily staff writer

Things got ugly, but the Spartans squeaked out a 34-27 victory over the Utah State Aggies in a Big West shootout Saturday night at Spartan Stadium.

"They came to play," said tailback Sheldon Canley, who rushed for 133 yards on 31 carries. "We knew we had to beat these guys as a steppingstone for the Cal Bowl."

Beat them they did, but it was not easy. SJSU (5-2-1 and 4-0 in conference play) clearly dominated the first half, making the showdown look more like a blow-out. On their first possession, the Spartans drove down the field setting up a 32-yard David Bowen field goal.

Placekicker Raul De la Flor, who was stripped of his field goal duties last week against Long Beach State, kicked off, and the ball took an SJSU bounce. Spartan cornerback Eddie Thomas recovered the ball at USU's 22-yard line.

After three plays and only three yards, SJSU coach Terry Shea, uncertain with his kicking game, decided to go for it on fourth down. This move paid off as wide receiver Bobby Blackmon grabbed a Ralph Martini pass that was deflected by tight end Bryce Burnett and USU (1-4-1) linebacker Jermaine Younger in the end zone, increasing the Spartans' lead to 10-0.

"Coach Shea feels confidence in his offense now," said Blackmon, who grabbed four receptions for 74 yards. "After we scored on that play, our momentum was up for the whole first half."

"Coach Shea's a great guy, real risky," Martini (16 out of 30 for 203 yards) said. "Between the 35 and 20, we'll go for it. It depends on how Shea's feeling and how we're doing."

The Spartans ended the first quarter with another fourth-down touchdown. On fourth and nine, Martini hit a leaping Walter Brooks Jr. in the end zone for a 27-yard reception. Brooks had four receptions for 77 yards on the evening.

"We felt like we could go for the end zone," Shea said. "I knew I had a play. We've taken a strong philosophy to being a four-down offense inside the 35."

'This game was eerie from the onset. Had it not been for a tipped ball here and there, this game might have been a lot closer at halftime.'

— Terry Shea

USU started the second quarter off with a bang, as halfback Roger Grant plowed past the SJSU line for a touchdown, making the score 17-7. Despite the touchdown, the Spartan defense held Grant to just 57 yards on the ground. Prior to Saturday's effort, Grant was ninth in the nation in rushing, averaging 118.2 yards a game.

The Spartans quickly bounced back with a 14-play drive, topped off with a 2-yard Canley run up the middle for the score. Each team added a field goal before the first half came to an end, bringing the score to a lopsided 27-10 SJSU lead.

"This game was eerie from the very onset," Shea said. "Had it not been for a tipped ball here and there, this game might have been a lot closer at halftime."

"San Jose State's a good football team," USU head coach Chuck Shelton said. "Going into the second half we still had a chance. But you still gotta win."

A chance they did, but win they did not, as the Aggies challenged the Spartans' defense and made a run for the victory. Spartan penalties combined with an impressive passing game by USU quarterback Ron Lopez, who threw 28 completions on 49 attempts for 348 yards and a touchdown, set up another USU field goal. USU Receivers Rod Moore and Tracey Jenkins complemented Lopez by each catching for over 100 yards.

"Utah had a good group of receivers," SJSU cornerback Charles Thomas said. "They had nothing to lose and everything to gain. Even though they scored touchdowns, we didn't give up. We kept our poise going and kept playing."

The Aggies pulled to within seven points in the fourth quarter, as Lopez con-

nected with Jenkins for a 12-yard touchdown in the right corner of the end zone. The Spartans answered back with a 43-yard touchdown run by fullback Leon Hawthorne. He broke three tackles and knocked down an official, to make the score 34-20.

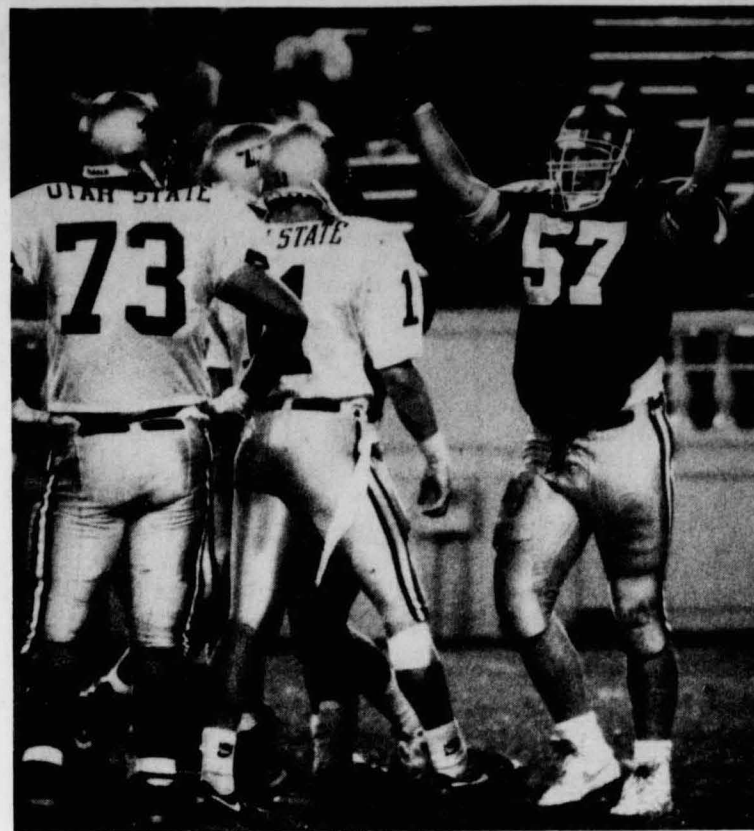
"We caught the defense off guard," Hawthorne said. "I went up the middle and no one was there. I just ran straight ahead, and broke tackles. It's a tough game. It doesn't get any easier from here."

Lopez helped his own cause by sneaking in for a 1-yard touchdown, bringing his team to within seven once again. Martini then blew the Spartans chance for some insurance points, by throwing an interception on the 3-yard line.

"I think we got a little greedy," Martini said. "I give credit to Utah State. Maybe mentally I was a little off and didn't make the reads."

The Aggies had 11,834 fans biting their fingernails. They were just 14 yards away from tying the game, but SJSU free safety Hesh Colar picked off a Lopez pass in the end zone, insuring the Spartan victory.

"It was a great victory," Martini said. "We're in first place. We worked our tails off to get here. I want to go to the California Bowl. We're on a crusade and we're gonna make it."



Ann Nelson — Daily staff photographer

SJSU lineman Mike Powers celebrates during win over Utah State.

Spartan Stats

SJSU	17	10	0	7	34
Utah State	0	10	3	14	27

SCORING SUMMARY

First Quarter
SJSU — Bowen 32 FG
SJSU — Blackmon 19 pass from Martini (Bowen kick)
SJSU — Brooks 27 pass from Martini (Bowen kick)

Second Quarter
US — Grant 1 run (Beach kick)
SJSU — Canley 2 run (Bowen kick)
SJSU — Bowen 24 FG
US — Beach 34 FG

Third Quarter
US — Beach 29 FG
US — Jenkins 12 pass from Lopez (Beach kick)
SJSU — Hawthorne 43 run (Bowen kick)
US — Lopez 1 run (Beach kick)

TEAM STATISTICS

First Downs	29
Rushes-Yards	35-52
Passing Yards	348
Comp.-Att.-Int.	28-49-2
Total Net Yards	400
Fumbles-Lost	3-1
Sacks By-Yards Lost	0-0
Penalties-Yards	7-50
Possession Time	28:43

INDIVIDUAL STATISTICS

RUSHING — SJSU, Canley 31-133, Hawthorne 2-44, Barbosa 2-6, Martini 6-2, US, Grant 19-57, Freeman 6-27, Hampton 1-1, Lopez 9-(-33).

PASSING — SJSU, Martini 16-30-2-203, US, Lopez 28-49-2.

RECEIVING — SJSU, Brooks 4-77, Blackmon 4-74, Barbosa 3-26, Jackson 2-3, Blakes 1-15, Burnett 1-14, Canley 1-(-6), US, Moore 10-149.

Big West Football

Team

Team	Overall	Conf.
SJSU	5-2-1	4-0-0
Fresno State	6-1-1	3-0-1
UNLV	4-4-0	3-1-0
Utah State	1-4-1	1-1-1
Long Beach State	3-5-0	2-3-0
Pacific	3-4-0	2-3-0
Fullerton State	1-6-0	0-3-0
New Mexico State	0-7-0	0-4-0

Week's Results

SJSU 34, Utah State 27
Fresno 28, Long Beach 16
Nevada 26, UNLV 14
Pacific 62, New Mexico State 24
Hawaii 45, Fullerton 21

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6 Lines	\$8.00	\$8.70	\$9.40	\$10.10	\$10.80	\$3.50
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LIEBMAN

From page 1

and the Gay, Lesbian and Bisexual Alliance co-sponsored the event. Most of the audience came from a regular meeting of GALA held before the event.

Liebman is against conservatives who "bash gays" but he pulled no punches when it came to liberal politics. "I'm against the state being over the individual."

"They (liberals) spend a lot of money for no reason," he said. "The welfare state doesn't work."

Kevin Johnson, a member of S.I.R., said that he respects Liebman's choice for coming out of the closet now.

"My philosophy tends to be a little more liberal," Johnson said after hearing Liebman speak.

Liebman also wasn't easy on some members of the right-wing who espouse bigoted, anti-Semitic or homophobic views. Members of the "religious right" like Sen. Jesse Helms (D-N.C.) in particular can't be counted as Liebman's best friends.

"Jesse Helms is desperate," he said and will do anything to be re-elected.

Liebman came out of the closet to help stop the conservative movement from slipping back into the days when "the American right was heavily made up of bigots, anti-Semites and anti-Catholics."

A Catholic, he is against abortion but said he is also pro-choice. "I'm against the state getting involved." He is also against the National Endowment for the Arts and socialized medicine.

"Conservatism might sink into that right-wing ooze."

With the retirement of Buckley, he says it will be open season again. "Too many self-styled conservatives are trying to replace anti-communism with homophobia."

"I'm yelling stop," he said. "Conservatives must reject bigots."

Another audience member, who wanted to remain anonymous, said, "He's older than what I would consider a role model but he is a role model."

COURT

From page 1

scheduled to be sentenced Sept. 19. However, that date was postponed because of the full calendar of U.S. District Magistrate Patricia Trumbull.

Balگووین's attorney, John L. Williams, said that this postponement was caused by the case being "continued at my request." Williams declined to comment on his reasoning because he would be violating federal rules and regulations.

Altschuler confirmed that the case "was continued at the request of the defendant's counsel" although he would not comment further.

An aide for Trumbull added that she did not hold court Friday.

Altschuler requested in a sentencing memorandum released in September that Balگووین receive an 18-month prison term and pay a minimum fine of \$100,000.

Balگووین was found guilty of two counts of Federal Fish and Wildlife Law violations. He caught and illegally transported salamanders from Oregon in 1986 and put them in the SJSU Biological Sciences Museum in an effort to build up the number of specimens to 10,000, according to the memorandum.

In a non-related case, Balگووین was also indicted on two charges of filing false tax returns. Balگووین was found not guilty on one count and the jury was "unable to reach verdict" on the second count.

Altschuler said that no decision has been made as to whether the tax case will be re-opened.

Balگووین is still employed by SJSU and reportedly works in the biological science department

Stanford scientists discover 'off switch'

STANFORD (AP) — Stanford University scientists have found a chemical "off switch" that stops the replication of DNA — a discovery they and other experts believe could improve understanding of cancer, AIDS and other diseases.

The researchers reported in the October issue of "Cell" that they have identified a protein that inhibits replication of DNA in *Escherichia coli*, a common bacterium. Stopping the DNA in turn keeps the cell from dividing.

While the bacterium is a relatively simple organism, DNA works essentially the same way in bacteria as in plants, animals and humans, researchers said. DNA, or deoxyribonucleic acid, is the ge-

netic code found in all cells.

"There's a universal use of basic biochemical patterns throughout nature that warrants our confidence that regulation of these processes, when understood in one system, will become easier to understand in all systems," said Arthur Kornberg, a biochemistry professor at Stanford.

Kornberg, who won the 1959 Nobel Prize in medicine for earlier research in DNA replication, was co-author of the report written after nine years of experiments.

"We now believe we have most of the molecules that operate the switch of replication in pure form," said Kornberg.

"If you know the anatomy of the switch, if you have the hood

off and can see how the motor works, you can then determine what factors provoke it to get started replicating or keep it in check," he said.

Kornberg's team, also led by Deog Su Hwang, a Stanford postdoctoral fellow, found that the "off switch" for DNA replication is a protein called 33-kDa. The protein prevents the twin spiraled strands of DNA molecules from replicating.

The team found the "on switch," a tiny segment on each chromosome activated by enzymes, in 1981. Chromosomes are formed of DNA.

Kornberg, however, emphasized that the new discovery was only a tool for further research

into the code that tells cells when and how to start and stop duplicating.

But John Minna, a researcher at the National Cancer Institute, called the Stanford finding "very exciting."

"Clearly, this is a major new finding about the biochemistry of DNA replication by Dr. Kornberg, the founding father of the whole field," he said.

There are many diseases in which the cell's ability to control DNA replication is impaired, Minna said.

"It could have profound implications for cancer and AIDS," he said.

Sacramento merge would it make seventh-largest

SACRAMENTO (AP) — California's capital, once a tranquil backwater known largely for its politicians, hot summers and shade trees, will become the nation's seventh-largest city if voters approve an unusual merger plan on Nov. 6.

The proposal would combine the city and county of Sacramento into a new, sprawling city of more than a million people — larger than Dallas and just behind San Diego.

Fire, law enforcement and planning agencies would be combined, and a new 12-member Council of Supervisors — 11 members elected by district, plus the mayor — would be set up to govern the new 1,000-square-mile jurisdiction 85 miles northeast of San Francisco. Twenty local town councils would also be created, each with five elected members, with land-use powers over local projects.

Exempted from the new government would be three of the coun-

ty's four current incorporated cities: Folsom with 26,000 people, Galt with 7,500 and Isleton with 925. The city of Sacramento, with a population of 350,000, is included.

Surveys show that public sentiment is evenly divided on the issue. Several other cities have similarly combined, including Portland, Ore., Nashville, Tenn., and Minneapolis, Minn.

California already has one city-county combination, San Francisco, but that was accomplished in 1856.

Consolidation has been rejected twice previously by Sacramento County voters, most recently in 1974.

"The idea behind it is to create a more efficient provider of services," said Paul Hahn, deputy executive director of a local government commission appointed two years ago to study the issue. "Right now, there is a lot of dupli-

cation of effort — two police departments, two public works departments, a police and sheriff's department. They don't always coordinate with each other."

But Sacramento City Councilman Tom Chinn disagrees. The creation of town councils, he said, "would add another 100 politicians to the county." Creating a new city would force the removal of about 125 California Highway Patrol officers from area roads, he said. CHP officers are charged by law with patrolling state and county highways, but not city streets.

"This particular consolidation plan has a lot of problems with it," Chinn added. "The compromises that are contained in it will result in more taxes."

Proponents also say the merger would greatly improve growth management, allowing centralized decision-making for mammoth developments that have a regional

impact. Now, they say, a number of small cities are hoping to incorporate in order to make decisions on regional growth issues.

"You could have five or 10 or 15 cities actually competing for projects. Look at Los Angeles County: You have 86 separate cities in the county making decisions on growth," Hahn said.

A streamlined merger would save about \$20 million annually. The county's current budget is about \$1 billion; the city's is about a third of that.

The measure is supported by the largest developers and a variety of environmental, good-government and business groups, including the League of Women Voters and the Sierra Club. It is opposed by independent developers and those who have led efforts in recent years to incorporate new cities in fast-growing Sacramento County.

Federal government fails to protect endangered species

WASHINGTON (AP) — The Anastasia Island cotton mouse is gone forever.

So is the insular long-tongued bat of Puerto Rico and the Texas Henslow's sparrow.

All are victims of mismanage-

ment and a shortage of money that has kept the Interior Department from adequately enforcing the federal law that is supposed to protect endangered species, according to government auditors.

A report by the department's in-

spector general's office said Thursday that hundreds of other rare animals and plants may become extinct without any federal effort to save them because of shortcomings in the federal endangered species program.

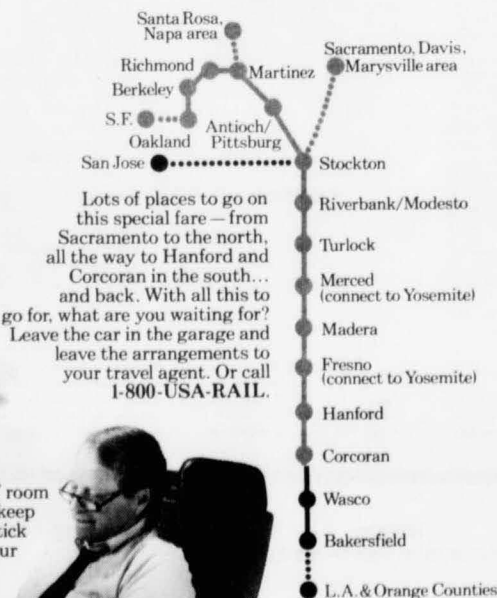
The internal report said it could cost as much as \$4.6 billion to protect all of the presently known endangered species, while the Fish and Wildlife Service is provided about \$33 million a year to administer the program.

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